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7 PENNY BOURGEOIS,  
8 Plaintiff,  
9 v.  
10 PENTEC HEALTH, INC.,  
11 Defendant.

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Case No. [23-cv-06375-HSG](#)

**ORDER REGARDING MOTION FOR  
LEAVE TO FILE SUPPLEMENTAL  
EVIDENCE IN SUPPORT OF MOTION  
FOR SUMMARY JUDGMENT**

Re: Dkt. No. 60

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13 Pending before the Court is Defendant Pentec Health, Inc.'s motion for leave to  
14 supplement the evidence in support of its motion for summary judgment. Dkt. No. 60.  
15 Specifically, Defendant would like to include transcript excerpts from the deposition of Plaintiff's  
16 expert. *Id.* The briefing on the motion for summary judgment is complete and the Court took the  
17 motion under submission. *See* Dkt. No. 55. However, the relevant deposition occurred *after* the  
18 briefing was complete. This is a direct result of the parties' requested schedule. *Compare* Dkt.  
19 No. 16 at 7 *with* Dkt. No. 19. They requested that expert discovery close on January 10, 2025,  
20 after the briefing and hearing on dispositive motions. *Id.* This sequencing was evidently not well  
21 thought-through, and the Court is not inclined to entertain piecemeal requests to supplement the  
22 record on the motion for summary judgment while expert discovery remains ongoing.

23 To promote efficiency and ensure fairness to both sides, the Court therefore **DIRECTS** the  
24 parties to meet and confer following the close of expert discovery on January 10. The parties may  
25 each submit any supplemental evidence in support of or in opposition to the motion for summary  
26 judgment by January 17, 2025. In addition to the new evidence itself, the parties are each limited  
27 to no more than ten pages discussing the import of this evidence. The parties may then each file  
28 by January 24, 2025, a response of no more than ten pages addressing the new evidence submitted

1 by the other side. The parties are cautioned that as a result of their schedule, they likely will need  
2 to prepare their pretrial filings before they have the Court's order on the motion for summary  
3 judgment. This terminates Dkt. No. 60.

4 **IT IS SO ORDERED.**

5 Dated: 12/19/2024

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7 HAYWOOD S. GILLIAM, JR.  
United States District Judge

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United States District Court  
Northern District of California